

HARMSEN 002

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/554835INTERNATIONAL APPLICATION NO.
PCT/EP98/07389INTERNATIONAL FILING DATES
18 November 1998PRIORITY DATE CLAIMED
22 November 1997TITLE OF INVENTION USE OF THE E. COLI STRAIN DSM 6601 FOR TREATING DIARRHOEA IN
VETERINARY MEDICINEAPPLICANT(S)
FOR DO/EO/US Hans PROPERT

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371 (f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371 (b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371 (c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). **(Unexecuted)**
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 & 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

Copy of International Application as published

EXPRESS MAIL LABEL NO. E: 479161776US**DATE: May 19, 2000**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

ATTORNEY'S DOCKET NUMBER

09/554835

PCT/EP98/07389

HARMSEN-002

17. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$970.00
- ☒ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$840.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$690.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$670.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$96.00

CALCULATIONS PTO USE ONLY**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$840.00

Surcharge of \$130.00 for furnishing the oath or declaration later than

☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE |
|---|--------------|--------------|------------|
| Total claims | 1 - 20 = | | x \$18.00 |
| Independent claims | 1 - 3 = | | x \$78.00 |
| MULTIPLE DEPENDENT CLAIM(s) (if applicable) | | | + \$260.00 |

TOTAL OF ABOVE CALCULATIONS =

\$840.00

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

SUBTOTAL =

\$840.00

Processing fee of \$130.00 for furnishing the English translation later than

☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). +**TOTAL NATIONAL FEE =**

\$840.00

Fee for recording the enclosed assignment (37 CFR 1.21 (h)). Assignment must be accompanied by appropriate cover sheet (37 CFR 3.28, 3.31) +
(\$40.00 per property).**TOTAL FEES ENCLOSED =**

\$840.00

**Amount to be:
Refunded****Charged**

- a. ☐ A check in the amount of _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 12-1095 in the amount of \$840.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to my Deposit Account No. 12-1095. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Lerner, David, Littenberg,
Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090
Telephone 908 654-5000
Facsimile 908 654-7866

Shawn P. Foley
Signature

SHAWN P. FOLEY

Name

33,071

Registration Number